

REMARKS

Claims 1-19 are now presented for examination. Claim 1 is the only independent claim.

Claims 1, 7-9, 15 and 17-19 were rejected under 35 U.S.C. § 103 over U.S. Patent 6,091,788 (Keskitalo et al.) in view of U.S. Patent 6,192,256 (Whinnett et al.). Claims 2-6, 10-14 and 16 were rejected under 35 U.S.C. § 103 as obvious from Keskitalo et al. and Whinnett et al. in view of U.S. Patent 6,070,086 (Dobrica). Applicants traverse and submit that the claims are patentable for at least the following reasons.

In the Office Action, it was conceded that Keskitalo does not teach providing L transmission antenna weight control units for determining transmission antenna weights for forming transmission directivity patterns by using outputs from the reception antenna weight selection means, as recited in independent claim 1.

However, the position was taken, at page 3 of the Office Action, that Keskitalo *does* teach the limitation of claim 1 of an adaptive transmission unit for forming the transmission directivity pattern having a gain in a user direction by using the transmission antenna weight which is an output from the transmission antenna weight control unit and outputting N combining antenna transmission signals for transmitting the desired wave signal. This is not, and cannot be, correct.

The recitation of the adaptive transmission unit in claim 1 includes forming a transmission directivity pattern having a gain in a user direction by using the transmission antenna weight output from the transmission antenna weight control unit, *which the Office Action admits is not found in Keskitalo*. If Keskitalo does not teach the L transmission weight control units, it cannot possibly teach the recited adaptive transmission unit, which uses those units.

Further, relying upon Whinnett does not remedy this deficiency because no teaching in Whinnett was identified as corresponding to the recited adaptive transmission unit, and, of course, no motivation was provided in any event to modify Keskitalo to include this feature. That is, in view of the failure of Keskitalo to teach this additional limitation, Whinnett would have to teach both missing limitations, and motivation would have had to have been provided in the Office Action for such a combination.

In view of the above, the Office Action has failed to set forth a prima facie case of obviousness at least because all the features of claim 1 are not met by the proposed combination of references.

For at least the foregoing reasons, claim 1 is believed to be patentable over Keskitalo et al. and Whinnett.

The other claims in this application are each dependent from the independent claim discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

Application No.: 09/720,700

Docket No.: Y1929.0075/P075

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Dated: May 9, 2005

Respectfully submitted,

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